

**JAN - 9 2013**

**Board of Vocational Nursing  
and Psychiatric Technicians**

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**BEFORE THE  
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2011-687

**ELIZABETH G. TALAO**  
**aka Elizabeth G. Bondoc**  
**638 Naples Street**  
**San Francisco, CA 94112-3553**

**A C C U S A T I O N**

**Vocational Nurse License No. VN 97431**

Respondent.

Complainant alleges:

**PARTIES**

1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about September 8, 1980, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 97431 to Elizabeth G. Talao, aka Elizabeth G. Bondoc (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and expired on November 30, 2011.

**JURISDICTION**

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section **118(b)** of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under section 2892.1 of the Code, the Board may renew an expired license at any time within four years after the expiration.

5. Section **2875** of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

## STATUTORY PROVISIONS

6. Section **2878** of the Code states in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(1) Incompetence, or gross negligence in carrying out usual nursing functions.

• • •

7. California Code of Regulations, Title 16, section **2518.5**, states:

The licensed vocational nurse performs services requiring technical and manual skills which include the following:

(a) Uses and practices basic assessment (data collection), participates in planning, executes interventions in accordance with the care plan or treatment plan, and contributes to evaluation of individualized interventions related to the care plan or treatment plan.

(b) Provides direct patient/client care by which the licensee:

(1) Performs basic nursing services as defined in subdivision (a);

(2) Administers medications:

(3) Applies communication skills for the purpose of patient/client care and education; and

(4) Contributes to the development and implementation of a teaching plan related to self-care for the patient/client.

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1           8.     California Code of Regulations, Title 16, section **2519**, states:

2           As set forth in Section 2878 of the Code, gross negligence is deemed unprofessional  
3     conduct and is a ground for disciplinary action. As used in Section 2878 “gross negligence”  
4     means a substantial departure from the standard of care which, under similar circumstances,  
5     would have ordinarily been exercised by a competent licensed vocational nurse, and which has or  
6     could have resulted in harm to the consumer. An exercise of so slight a degree of care as to justify  
7     the belief that there was a conscious disregard or indifference for the health, safety, or welfare of  
8     the consumer shall be considered a substantial departure from the above standard of care.

9           9.     California Code of Regulations, Title 16, section **2520**, states:

10          As set forth in Section 2878 of the Code, incompetence is deemed unprofessional conduct  
11     and is a ground for disciplinary action. As used in Section 2878 “incompetence” means the lack  
12     of possession of and the failure to exercise that degree of learning, skill, care and experience  
13     ordinarily possessed and exercised by responsible licensed vocational nurses.

#### 14                                   **COST RECOVERY**

15          10.    Section **125.3** of the Code provides, in pertinent part, that the Board may request the  
16     administrative law judge to direct a licensee found to have committed a violation or violations of  
17     the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
18     enforcement of the case.

#### 19                                   **FACTUAL SUMMARY**

##### 20           Patient A:

21          11.    On or about July 18, 2011, Respondent was employed and on duty as a licensed  
22     vocational nurse at the Maitri Residential Care facility (hereinafter “Maitri”) in San Francisco,  
23     California. Respondent was the LVN team leader, and was responsible for providing nursing care  
24     to patient A,<sup>1</sup> a full-code<sup>2</sup> patient. Patient A’s full-code status was listed prominently throughout  
25     his medical chart and in other locations easily accessible to Respondent.

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26                   <sup>1</sup> The identity of patient A is withheld to protect patient privacy.

27                   <sup>2</sup> A “full-code” patient is entitled to full medical intervention in the event of a medical  
28     emergency, as opposed to a “DNR” or “Do Not Resuscitate” patient.

1        12. During Respondent's shift, patient A exhibited signs and symptoms of a change in  
2 neurological status. Patient A was difficult to rouse and, when awake, complained of stiffness  
3 and difficulty moving. Patient A had a history of stroke. Respondent failed to assess patient A's  
4 motor skills in response to these signs and symptoms.

5        13. At a later time during Respondent's shift, patient A stopped breathing and had no  
6 pulse. Respondent failed to administer cardiopulmonary resuscitation or any other interventions  
7 on patient A's behalf, and failed to call 911. Patient A died. Respondent later stated that she had  
8 been under the mistaken impression that patient A was a "DNR" status patient.

9        14. At the time of this incident, Respondent's basic first aid and basic life support  
10 cardiopulmonary resuscitation certifications were in "expired" status, in violation of Maitri's  
11 policies and procedures.

12        Patient B:

13        15. On or about November 20, 2010, Respondent was employed and on duty as a licensed  
14 vocational nurse at Maitri. Respondent was assigned to provide nursing care to patient B.

15        16. Patient B's physician had previously ordered the administration of Methadone, 2.5  
16 mg, to patient B. Respondent administered a Methadone dose of 2.5 ml instead of 2.5 mg. This  
17 dosage was ten times the amount that had been ordered by patient B's physician. Respondent did  
18 not verify the original physician's order prior to administration of this overdose of medication.  
19 As a result of this overdose, patient B was required to be transferred by emergency personnel to a  
20 hospital for treatment of the overdose.

21        Lifetime Ban:

22        17. In a proceeding entitled *In The Matter of Elizabeth Bondoc-Talao*, Case Number  
23 7511303201, the California Department of Social Services found that Respondent's actions as  
24 described above in paragraphs 11-16 constituted "conduct that is inimical to the health, morals,  
25 welfare or safety" of Respondent's patients. Accordingly, Respondent was banned, for the  
26 remainder of her life, from providing services to or having contact with patients in any health care  
27 facility licensed by the Department of Social Services.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 18. Respondent is subject to disciplinary action under section 2878 of the Code in that  
4 she acted unprofessionally, as set forth above in paragraphs 11-16.

5 **SECOND CAUSE FOR DISCIPLINE**

6 (Gross Negligence/Incompetence)

7 19. Respondent is subject to disciplinary action under section 2878(a)(1) of the Code in  
8 that she acted with gross negligence and/or incompetence in carrying out her nursing functions, as  
9 set forth above in paragraphs 11-16.

10 **PRAYER**

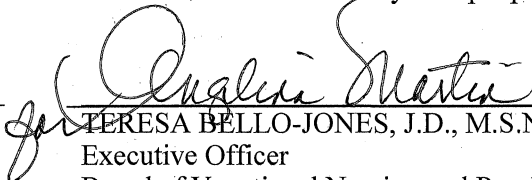
11 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
12 and that following the hearing, Board of Vocational Nursing and Psychiatric Technicians issue a  
13 decision:

14 1. Revoking or suspending Vocational Nurse License Number VN 97431, issued to  
15 Elizabeth G. Talao, aka Elizabeth G. Bondoc;

16 2. Ordering Respondent to pay the Board of Vocational Nursing and Psychiatric  
17 Technicians the reasonable costs of the investigation and enforcement of this case, pursuant to  
18 Business and Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: **JAN 09 2013**

21   
22 TERESA BELLO-JONES, J.D., M.S.N., R.N.  
23 Executive Officer  
24 Board of Vocational Nursing and Psychiatric Technicians  
25 Department of Consumer Affairs  
26 State of California  
27 Complainant  
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